

HAWAII ADMINISTRATIVE RULES

TITLE 14

DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT

SUBTITLE 1

STATE OF HAWAII HUMAN RESOURCES RULES

CHAPTER 3.01

FILLING POSITIONS IN THE CIVIL SERVICE

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SUBCHAPTER 1

GENERAL PROVISIONS

§14-3.01-1 Purpose. The purpose of this chapter is to implement a system of recruitment and selection of public officers and employees in accordance with merit-based civil service laws which will attract, select, and retain the best individuals to provide competent, efficient, loyal, and ethical service to the public in accordance with the needs of the service. The provisions of this chapter shall apply to competitive recruitments open to the general public. [Eff 6/11/92; am and comp April 01, 2002] (Auth: HRS §§26-5, 76-17, SLH 2000, Act 253) (Imp: HRS §§26-5, 76-1, 76-13, 76-17, SLH 2000, Act 253)

§14-3.01-2 Appointment through the merit system. (a) The director shall be responsible for locating the best qualified applicants available for open-competitive examination and for determining the relative capacity and fitness of applicants.

(b) The director may establish standards with respect to age, education, training, experience, suitability, physical and mental fitness, formal assembled testing, and other requirements which applicants must meet to be rated in examinations.

(c) Eligibles shall be placed on an appropriate list in the manner prescribed by these rules.

(d) A person selected through the civil service recruitment procedure for a permanent or temporary position shall be required to serve an initial probation period provided that when a temporary appointment is made, the duration exceeds the probation period.

(e) The director may determine the types, duration, and conditions of other types of appointment in the civil service system and may prescribe the methods for removing persons

holding these appointments.

(f) Membership in the civil service will be acquired by a probationary employee upon successful completion of an initial probation period.

(g) No person shall be appointed or employed in the civil service system or perform the duties of any position until the person passes the examination prescribed by the director or unless specifically exempted. [Eff 6/11/92; am and comp April 01, 2002] (Auth: HRS §§26-5, 76-17, SLH 2000, Act 253) (Imp: HRS §§26-5, 76-13, 76-17, SLH 2000, Act 253)

§14-3.01-3 Discretion of appointing authority in filling vacancies. (a) An appointing authority may fill any position in the civil service by appointment from a civil service list, including positions exempt from the classification system, through the civil service recruitment procedure or other means as provided for by statute, these rules, or guidelines.

(b) At the discretion of the appointing authority, a permanent position may be filled on a temporary basis for good reason. [Eff 6/11/92; am and comp April 01, 2002] (Auth: HRS §§26-5, 76-17, SLH 2000, Act 253) (Imp: HRS §§26-5, 76-13, 76-17, SLH 2000, Act 253)

SUBCHAPTER 2

RECRUITMENT

§14-3.01-4 Citizenship and residence. Applicants shall be residents or former residents of the State and citizens, nationals, permanent resident aliens of the United States, or eligible under federal law for unrestricted employment in the United States at the time of application. [Eff 6/11/92; am and comp April 01, 2002] (Auth: HRS §§26-5, 76-17, SLH 2000, Act 253) (Imp: HRS §78-1, SLH 2000, Act 253)

§14-3.01-5 Announcement of recruitment and

examination. Whenever there is need for eligibles, the director may conduct a recruitment and examination announcement in the manner and for the period deemed reasonable and appropriate. [Eff 6/11/92; am Nov 12, 1992; am and comp April 01, 2002] (Auth: HRS §§26-5, 76-17) (Imp: HRS §§26-5, 76-13, 76-17)

§14-3.01-6 Repealed. [R April 01, 2002]

§14-3.01-7 Repealed. [R April 01, 2002]

§14-3.01-8 Acceptance of applications. (a) Application for examination and employment shall be made in such form and manner and with such supplemental information including the applicant's social security number as determined by the director.

(b) The director may determine the number of applications to accept and evaluate based on need.

(c) Applications for competitive examinations shall be accepted only during the period specified in the announcement. However, the director may accept late applications for good reason. [Eff 6/11/92; am and comp April 01, 2002] (Auth: HRS §§26-5, 76-17) (Imp: HRS §§26-5, 76-13, 76-17, 76-19, 76-20, 78-1)

§14-3.01-9 Cancellation of recruitment and examination announcements. If there is no need for eligibles after a recruitment and examination announcement has been published or if other circumstances warrant it, the announcement may be canceled and all applicants shall be notified of the cancellation. [Eff 6/11/92; am and comp April 01, 2002] (Auth: HRS §§26-5, 76-17) (Imp: HRS §§26-5, 76-13, 76-17)

SUBCHAPTER 3

EXAMINATION

§14-3.01-10 Scope and character of examinations.

(a) The director may consult with qualified persons in regard to the content of tests, the rating of applicants or related test matters.

(b) Each examination shall relate to those matters which will best test the relative capacity and fitness of applicants for the proper performance of the characteristic duties of the class for which the examination is held.

(c) Any accepted personnel examining technique may be used, including a verification and evaluation of education, training, and experience; tests of knowledge, skill, ability, intelligence, or aptitude; medical examinations including pre-employment drug tests, appraisals of personal suitability; inquiry into moral character of applicants and any other matter that the director deems appropriate. [Eff 6/11/92; am and comp April 01, 2002] (Auth: HRS §§26-5, 76-17, SLH 2000, Act 253) (Imp: HRS §§26-5, 76-13, 76-15, 76-17, 76-18, 76-24, 78.2-6, SLH 2000, Act 253)

§14-3.01-11 Disqualification of applicants. (a)

The director may, for good cause, reject any application or deny any appointment. Without limitation to the foregoing, an applicant may be denied admittance to an examination and an eligible may be denied appointment for any of the following reasons:

- (1) Failure to meet the minimum qualification requirements or other public employment requirements for admission to the examination;
- (2) Physical or mental unfitness to perform the duties of the class or position for which the examination is to be conducted;
- (3) Habitual or excessive use of drugs, narcotics, or intoxicating beverages;
- (4) False statements or deception or fraud in the examination process or appointment;
- (5) Submission of defective or incomplete application;
- (6) Refusal or failure to furnish documents required to verify any statements made in

- the application;
 - (7) Conviction of a penal offense which affects the applicant's suitability;
 - (8) Any record of misconduct which is detrimental to the proper performance of the duties and responsibilities of the class or position; or
 - (9) Conviction of any act, attempt, or conspiracy to overthrow the State or the federal government by force or violence.
- (b) The director shall notify any applicant whose application is rejected, specifying the cause or causes for the rejection.
- (c) Applications submitted to the department of human resources development shall constitute official examination records of the department of human resources development. Accompanying documents may be returned to applicants at the discretion of the director.
- (d) The director may conduct investigations to determine an applicant's or appointee's qualifications and suitability for employment in the civil service. If the investigation discloses that the applicant is ineligible for the position, the director shall take appropriate corrective action, which may include denying admittance to the examination, removing the applicant's name from the list of eligibles or terminating the appointee's appointment, or any combination thereof.
- (e) An applicant may request an administrative review of an ineligible rating by presenting additional information to substantiate the request within ten calendar days following the date the ineligible notice was sent. Notwithstanding the foregoing, the certification of eligibles shall not be withheld or delayed.
- (f) The director may bar an applicant found unsuitable for civil service employment for a specific period of time. [Eff 6/11/92; am and comp April 01, 2002] (Auth: HRS §§26-5, 76-17, SLH 2000, Act 253) (Imp: HRS §§26-5, 76-13, 76-17, 76-18, 76-29, 78-2.6, 831-2, SLH 2000, Act 253)

§14-3.01-12 Conduct of examinations. (a) Examinations shall be held at the time and place, which in the judgment of the director, is most practical and meets the need of the service.

(b) If an assembled examination is to be administered, qualified applicants shall be notified of the date, time, and place of the examination. The director shall not be responsible if a notice is lost in the mail or sent to an applicant's former address through failure of the applicant to inform the director of a change of address.

(c) No applicant shall be entitled to take an examination at a date, time, or place other than stated in the notification except as the director may authorize.

(d) All applicants for examinations involving physical ability or performance tests may be required to sign a waiver of liability.

(e) All reasonable precautions shall be taken to protect the confidentiality of information about applicants. [Eff 6/11/92; comp April 01, 2002] (Auth: HRS §§26-5, 76-17) (Imp: HRS §§26-5, 76-13, 76-17)

§14-3.01-13 Rating of examinations. (a) Appropriate techniques and procedures shall be used in rating examinations and determining the relative ranking of applicants. The final rating required to pass an examination shall be set by the director. The director may set minimum ratings for each part of an examination and applicants may be required to obtain at least the minimum rating in each part of the examination to be rated on the remaining parts of the examination. The final earned rating of each applicant shall be determined by combining the earned ratings of each part of the examination in accordance with the weights established for each part.

(b) Eligibles shall be placed on open-competitive lists in order of their final earned ratings plus creditable veteran's preference points and on promotional lists in the order of final earned ratings. Veteran's preference points and qualification for such additional credit shall be determined by the director provided the applicant qualifies with at least the minimum rating for each part of the examination.

(c) The director may notify applicants only as to whether or not they qualified when the number of applicants is deemed by the director to be insufficient for an adequate certification. [Eff 6/11/92; am and comp April 01, 2002] (Auth: HRS §§26-5, 76-17, 76-23, 76-103) (Imp: HRS §§26-5, 76-13, 76-17, 76-23, 76-103)

§14-3.01-14 Notification of results of examination. Each applicant who participates in an examination shall be given written notice of the test performance results. [Eff 6/11/92; comp April 01, 2002] (Auth: HRS §§26-5, 76-17) (Imp: HRS §§26-5, 76-13, 76-17)

§14-3.01-15 Administrative review of examination rating. An applicant may request administrative review of rating assigned in examination by submitting to the department in writing information to substantiate the request within ten calendar days following the date the examination notice was sent. Notwithstanding the foregoing, the certification of eligibles shall not be withheld or delayed. [Eff 6/11/92; comp April 01, 2002] (Auth: HRS §§26-5, 76-17) (Imp: HRS §§26-5, 76-13, 76-17)

§14-3.01-16 Changes in rating. (a) Changes in rating may be made as a result of the discovery of errors in the rating, or as a result of an administrative review.

(b) Rating errors may be corrected throughout the life of the eligible list.

(c) Any such changes shall be reported to the applicants.

(d) Changes in rating shall not affect a certificate already issued or invalidate an appointment already made from the eligible list where the error is the fault of the department of human resources development and not the appointee. [Eff 6/11/92; am and comp April 01, 2002] (Auth: HRS §§26-5, 76-17) (Imp: HRS §§26-5, 76-13, 76-17)

§14-3.01-17 Protection of confidentiality of materials. (a) In those circumstances in which examination materials are secured from other government jurisdictions or from private firms, or where because of continuing use of the examination materials prepared by the department of human resources development, exposure would jeopardize the confidentiality of the examination

questions, review of these test materials shall not be permitted.

(b) Technical material and all examination booklets used in the preparation and ratings of examinations given jointly by the department and any other organization, and examinations prepared specifically for any organization shall remain the property of the department of human resources development and in the custody of the department of human resources development when not needed for test administration or appeal purposes by the organization.

(c) All examination material relating to a particular applicant or applicants including but not limited to reports of character and material regarding personal suitability of the applicant shall be considered confidential information.

(d) An appointing authority or its authorized representative may inspect the examination papers of eligibles whose names have been certified to them for appointment. However, to preserve the confidential character and sources of information furnished and to protect individuals against dissemination of unfounded or unproved allegations, reports of character, personal suitability of applicants and other confidential information shall be held in strict confidence and will not be made available for review by the appointing authorities unless specifically authorized by the director. An appointing authority and its representatives shall not disclose the examination materials or their contents to any person except where privileged at law or where ordered by a court of competent jurisdiction. Except as provided herein and except where privileged at law or where ordered by a court of competent jurisdiction, an appointing authority and its representatives, all employees, members and representatives of any agency, members and representatives of any advisory board or commission and members of the public are forbidden to disclose, whether intentionally or negligently, any examination materials pertaining to a particular applicant or applicants. Any disclosure shall be grounds for disciplinary action including dismissal or other appropriate action including recourse to all appropriate legal remedies against the informant personally. [Eff 6/11/92; am and comp April 01, 2002] (Auth: HRS §§26-5, 76-17, SLH 1980, Act 226) (Imp: HRS §§26-5, 76-13, 76-17, SLH 1980, Act 226)

§14-3.01-18 Records and reports of examination.

An examination record shall be maintained for a period of one year from the date the eligible list expired, one year after the eligibility of the eligible expired in the case of a continuous recruitment examination record, or two years from the date of the last personnel action involving the record, whichever of these is the latest. The record shall contain at least the following information:

- (1) Title and level of the examination;
- (2) Dates of opening and closing for receipt of applications;
- (3) Experience and training requirements, if any;
- (4) Tests, if any, held and the minimum passing scores used;
- (5) Number of applicants received; and
- (6) Number of eligibles and ineligibles. [Eff 6/11/92; comp April 01, 2002] (Auth: HRS §§26-5, 76-17) (Imp: HRS §§26-5, 76-13, 76-17)